

111TH CONGRESS
1ST SESSION

H. R. 2113

To require the Secretary of Labor to prescribe regulations requiring employers with more than one establishment and not fewer than 500 employees to report work-related deaths, injuries, and illnesses.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2009

Mr. HARE (for himself, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Ms. LINDA T. SÁNCHEZ of California, Mr. PAYNE, Mr. SABLAN, Mr. MICHAUD, Mr. BRALEY of Iowa, Mr. LOEBSACK, Ms. DELAURO, Ms. SUTTON, Ms. SHEA-PORTER, Mr. HOLT, and Mr. BISHOP of New York) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require the Secretary of Labor to prescribe regulations requiring employers with more than one establishment and not fewer than 500 employees to report work-related deaths, injuries, and illnesses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Corporate Injury, Ill-
5 ness, and Fatality Reporting Act of 2009”.

1 **SEC. 2. REGULATIONS AND REPORTING.**

2 (a) REGULATIONS.—Not later than 12 months after
3 the date of the enactment of this Act, pursuant to section
4 8(c) of the Occupational Safety and Health Act of 1970
5 (29 U.S.C. 657(c)), the Secretary of Labor shall prescribe
6 regulations requiring large employers, for each establish-
7 ment of each such employer, to maintain accurate records
8 of, and to make periodic and certified reports, not less
9 than annually, to the Secretary of Labor on—

10 (1) the numbers and rates of work-related
11 deaths, injuries, and illnesses (as such terms are de-
12 fined in section 1904 of title 29 Code of Federal
13 Regulations (as in effect on the date of the enact-
14 ment of this Act)); and

15 (2) compliance data, including—

16 (A) the inspection number of each inspec-
17 tion conducted by the Secretary under section 8
18 of the Occupational Safety and Health Act of
19 1970 (29 U.S.C. 657) or a State pursuant to
20 a State plan approved under section 18(c) of
21 such Act (29 U.S.C. 667(c));

22 (B) the opening date of such inspection;
23 and

24 (C) the total number of violations and any
25 citations issued as a result of such violations

1 under such Act by the Secretary or State fol-
2 lowing such inspection.

3 (b) IDENTIFICATION OF EACH ESTABLISHMENT.—

4 The regulations described in subsection (a) shall require
5 each large employer to identify on all records and re-
6 ports—

7 (1) each establishment of such large employer;
8 and

9 (2) whether an establishment has been ac-
10 quired, sold, or transferred since the last report filed
11 under subsection (a) by the large employer of such
12 establishment.

13 (c) REPORTING.—Not later than 6 months after the
14 deadline of the submission of the reports described in sub-
15 section (a), pursuant to section 8(g)(1), the Secretary of
16 Labor shall post all such reports on the Department of
17 Labor website.

18 **SEC. 3. ENFORCEMENT.**

19 Notwithstanding the provisions of section 18(e) of the
20 Occupational Safety and Health Act of 1970 (29 U.S.C.
21 667(e)), the Secretary shall issue citations pursuant to
22 section 9 of such Act (29 U.S.C. 658) to any large em-
23 ployer, including such large employers with establishments
24 in States with an approved State plan under section 18(c)

1 of such Act (29 U.S.C. 667(c)), for violations of any of
2 the reporting requirements described in section 2.

3 **SEC. 4. DEFINITIONS.**

4 In this Act:

5 (1) CONSTRUCTION INDUSTRY.—The term
6 “construction industry” means the industry identi-
7 fied by the 2007 North American Industry Classi-
8 fication System Code as industry code 23 (as pub-
9 lished by the Bureau of the Census).

10 (2) EMPLOYEE.—The term “employee” has the
11 meaning given such term in section 3 of the Occupa-
12 tional Safety and Health Act of 1970 (29 U.S.C.
13 651).

14 (3) EMPLOYER.—The term “employer” has the
15 meaning given such term in section 3 of the Occupa-
16 tional Safety and Health Act of 1970 (29 U.S.C.
17 651), except that such term does not include an em-
18 ployer in the construction industry.

19 (4) ESTABLISHMENT.—The term “establish-
20 ment”—

21 (A) has the meaning given such term in
22 section 1904.46 of title 29 Code of Federal
23 Regulations (as in effect on the date of the en-
24 actment of this Act), except that such term
25 does not include an establishment with fewer

1 than 10 employees or that is in the construction
2 industry; or

3 (B) means a subsidiary corporation, except
4 that such term does not include a subsidiary
5 corporation in the construction industry, and
6 each of its establishments (as defined in sub-
7 paragraph A) and subsidiary corporations that
8 are not in the construction industry.

9 (5) INSPECTION NUMBER.—The term “inspec-
10 tion number” means the number the Secretary or
11 other authorized individual assigns to an inspection
12 conducted under section 8 of the Occupational Safe-
13 ty and Health Act of 1970 (29 U.S.C. 657) or sec-
14 tion 18 of such Act (29 U.S.C. 667).

15 (6) LARGE EMPLOYER.—The term “large em-
16 ployer” means an employer that—

17 (A) employs not fewer than 500 employees;
18 and

19 (B) owns and controls more than 1 estab-
20 lishment.

21 (7) OPENING DATE.—The term “opening date”
22 means the first date of an inspection conducted
23 under section 8 of the Occupational Safety and
24 Health Act of 1970 (29 U.S.C. 657) or section 18
25 of such Act (29 U.S.C. 667).

1 (8) SUBSIDIARY CORPORATION.—The term
2 “subsidiary corporation” means a corporation where
3 another corporation (such as a large employer) owns
4 all, or more than 50 percent, of the stock of such
5 corporation.

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